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**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**MALIK ELAWAD**

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)

**CASE NO:3:05-CR-121-MHT**

**DEFENDANT'S MOTION FOR DOWNWARD DEPARTURE**

**COMES NOW** the Defendant, Malik Salman Elawad, by and through undersigned counsel, and respectfully moves this Court to either depart downward or sentence Mr. Elawad at the low end of the applicable guideline range for the reasons fully set out in Defendant's Sentencing Memorandum filed with this Court on January 12, 2007. (D.E. 45).

**WHEREFORE**, for the reasons stated above and in the Defendant's Sentencing Memorandum, Mr. Elawad respectfully requests that this Motion be granted.

Respectfully submitted,

**s/Patricia Kemp**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:  
Todd A. Brown, Esquire, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

**s/Patricia Kemp**  
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